

Examiner-Initiated Interview Summary	Application No. 10/056,052	Applicant(s) PATTI ET AL.	
	Examiner Zachariah Lucas	Art Unit 1648	

All Participants:

(1) Zachariah Lucas.

(2) B. Aaron Schulman.

Status of Application: _____

(3) _____.

(4) _____.

Date of Interview: 26 January 2005

Time: _____

Type of Interview:

- ☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

NA

Claims discussed:

46, 48, 55-58, 63-65, 75-78

Prior art documents discussed:

NA

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.


(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: The Examiner called Applicant to discuss claim amendments to bring the application into condition for allowance. The Examiner indicated that the elected antibody 12-9, and antibodies directed to the epitopes recognized by this antibody would be allowable.

He also indicated that the non-elected antibody 13-2 appears to be allowable based on the teachings on pages 32-33 of the application, showing the ability of antibody 13-2 to treat infection by *S. aureus* (i.e. unexpected results). In view of this, the restriction requirement between the 12-9, and 13-2 antibodies would be withdrawn, as would the restriction between these two antibodies, and the methods of making or using them (claims 62, 64, and 65 in the amended claim set).

It was also requested that claims 56, 58, and 75-78 be cancelled, that claims 55 and 57 be amended to read 55. The antibody according to claim 46 having a variable light chain having the amino acid sequence SEQ ID NO: 18 and a variable heavy chain having the amino acid sequence SEQ ID NO: 20.

57. The antibody according to claim 46 having a variable light chain sequence encoded by a nucleic acid having the sequence SEQ ID NO: 17, or degenerates thereof, and a variable heavy chain sequence encoded by a nucleic acid having the sequence of SEQ ID NO: 19, or degenerates thereof.

These amendments were made to cancel reference to non-elected antibodies 35-220 and 35-006, and the sequences associated therewith; to limit claims 55 and 57 to the sequences of the humanized antibody 12-9; and to associate the appropriate variable light chain sequence of the humanized 12-9 antibody with the appropriate variable heavy chain sequence.

Additionally, the Examiner requested that claims 48, 63, and 64 be amended so as to delete reference to the prevention of *S. aureus* infection as the Applicant and Hall reference have shown the ability to treat, but not to prevent such infection.

Finally, it was requested that claim 65 be amended to include an additional step of - screening said hybridoma for reactivity with said epitopes.- -

The Applicant indicated that these amendments were acceptable and agreed to an Examiner's Amendment making the changes..